IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.81 OF 2006

M/s. Manish Construction & Ors. ...Applicants

Vs.

Hasmukh L. Shah & Ors. ...Respondents

Shri D.F.Sharma i/by Dharma & Co. for the Applicants.
Shri R.K. Ghosh for the Respondent No.1.
Shri U.V.Nikam, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : OCTOBER 04, 2006.

P.C.:

1. The Advocates appearing for the parties have tendered an Application under section 147 of the Negotiable Instruments Act, 1881 for compounding the offence. The Application is signed by the first Respondent, his Advocate and the Advocate for the Applicants. The first Respondent is the complainant in a complaint under section 138 of the said Act of 1881. In paragraph No.2 of the Application it is stated that there is a complete settlement between the parties. The said fact is accepted by the Advocates appearing for the Applicants and the first Respondent. In view of this position, the conviction and sentence of the Applicants deserves to be quashed and set aside. Hence, rule is made absolute in terms of prayer clause (b).

2. In view of the aforesaid order, by consent of the parties, the Applicant No.2 will be entitled to withdraw a sum of Rs.50,000/- deposited in the court of the learned Metropolitan Magistrate, 13th Court, Dadar on the basis of the order dated 25th July, 2005 passed by the Sessions Court in Criminal Appeal No.86 of 2005. The Applicant No.2 will be also entitled to withdraw a sum of Rs.2,00,000/- deposited by him in this court on the basis of order dated 15th February, 2006.

3. Parties and the concerned court to act upon an authenticated copy of this order.

JUDGE